

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

3 NOVEMBER 1998

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Nancy Mincello, Robert V. Perkins and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Jesse L. Warren, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Judi Reilly, employee in the Transportation Department, who served as courier for the meeting.

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After his introduction by the Mayor, Fire Department Battalion Chief Richard Beeson reviewed the Department's annual October observance of Fire Prevention Month. Speaking to efforts to promote fire prevention for residential fires, Chief Beeson detailed Fire Department's hosting of a local contest for area youth to enhance awareness of the fire safety message. Chief Beeson, Fire Marshall Warren Ritter and Councilmembers Jones, Burroughs-White, Perkins, Mincello and Carmany presented certificates to the following Council District winners: District 1-Zach Stradbery; District 2-Destiny Jenkins; District 3-Ginny Hull; District 4-Mary Grace Sizemore and District 5-Nate Kewish. Chief Beeson spoke to the prizes to be awarded to each winner and advised the Department had selected Miss Sizemore's entry for submission to the National Fire Protection Association's contest. Chief Beeson expressed appreciation to the Fire Chief, Assistant City Manager Mona Edwards and the City Council for support of the local contest.

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Mayor Allen introduced and read into the minutes a Resolution recognizing dedication of new Central Greensboro Public Library. Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

203-98 RESOLUTION RECOGNIZING DEDICATION OF NEW CENTRAL GREENSBORO PUBLIC LIBRARY

WHEREAS, on 31 October 1998, the City of Greensboro proudly dedicated the new Central Greensboro Public Library located at 219 North Church Street;

WHEREAS, this project has come to fruition under the outstanding leadership of Library Director, Sandy Neerman; with tremendous support from City Council members, Library Board members, Friends of the Library, and countless volunteers; and with the Department of Technology and Facilities staff working with the architectural

firm and contractors to ensure that this structure was constructed on time and within budget; and

WHEREAS, the opening festivities of the new Central Library included special events, programs and contests for children, families and adults and the creation of a time capsule to be opened in 2028; and

WHEREAS, as we celebrate the opening of the new Central Library, we open a new chapter in which we celebrate the renewal of community, the continual enrichment of the individual, the marvel of instant access to a world of knowledge, and the timeless pleasures found in communion with the written word.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That it does hereby recognize the recent dedication of the new Greensboro Central Library and celebrates the opening of this invaluable community resource.

(Signed) Claudette Burroughs-White

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After Mayor Allen introduced and Councilmember Jones read into the minutes a resolution honoring and recognizing Servicemen who dedicated their lives for the protection of our great country, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

218-98 RESOLUTION HONORING AND RECOGNIZING ALL SERVICEMEN WHO DEDICATED THEIR LIVES FOR THE PROTECTION OF OUR GREAT COUNTRY

WHEREAS, as Veteran's Day approaches, we reflect on all the rights we are privileged to enjoy, freedom being one of the most precious;

WHEREAS, the City Council, on behalf of the citizens of Greensboro, wishes to express their admiration and gratitude, and honor those valiant servicemen and women who lost their lives and those who served defending our nation and protecting the freedom we love;

WHEREAS, it is fitting that this City be mindful of its proud history and culture and instill in our children respect for the many heroic men and women who risked their lives for the protection and safety of their country and its citizens;

WHEREAS, the City Council and all of the citizens of Greensboro wish to pay tribute and forever remember the courage, beloved spirit and dedication of those noble servicemen and women who fought and died for the safety of our United States of America.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That this City Council hereby honors on behalf of the citizens of Greensboro, the memory of all of our country's servicemen and women, past and present, and expresses its deepest respect and gratitude for their commitment to preserving the sanctity of freedom.

(Signed) Donald R. Vaughan.

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The Mayor introduced an ordinance amending the Greensboro Code of Ordinances with respect to enacting a new Chapter 29A to be entitled Emergency Water Conservation and Restriction Plan.

City Manager Kitchen stated it was unfortunate that some citizens and users of Greensboro's water supply had to experience a crisis situation involving the City's water for public purpose to become aware of the importance of this valuable resource and the need to implement conservation measures. Speaking to the serious condition of the City lakes, he detailed where Greensboro was at the present time, what measures had been taken to avoid this crisis situation and what would be done to address the current situation. City Manager Kitchen advised that Council would be asked to adopt the proposed ordinance to take aggressive action to deal with this problem.

Speaking to Greensboro's current water situation, the Manager advised that as of October 30, only 55% of the City's lake capacity remained. Adding that Greensboro relied on reservoirs for water for public purpose, he reviewed the safe yield of the lakes, spoke to the millions of gallons of water used in recent weeks, and advised extensive outside irrigation was the largest contributor to the high volume use. The Manager provided statistics to illustrate the public water demand from 1993 to the present; he also provided comparable water use statistics from 1997 and 1998. City Manager Kitchen explained the substantial difference in rainfall had resulted in the existing situation and that without substantial rainfall and/or curtailed use of water, Greensboro lakes could be drained in 3-4 months.

The Manager detailed the aggressive voluntary conservation education and promotional program implemented in 1994 and advised this program had yielded good results until the most recent drought. He shared with Council and the viewing audience a video that would be televised locally to educate the public and encourage water conservation.

City Manager Kitchen provided detailed information about actions that had been taken by the City to avoid the current critical water situation; i.e., years of planning, lobbying and funding of Randleman Lake which had included increases in water rates to provide funding, the \$15 million investment to date in this project, continuous efforts to satisfy increasing environmental standards, etc. He added that the Randleman Project would take 3-4 years to complete and would cost more than originally anticipated in order to satisfy environmental requirements placed on the facility; he emphasized that when the facility was on line, it would increase Greensboro's capacity by 75%.

City Manager Kitchen emphasized that during the last three annual budget messages, he had placed water resources and wastewater treatment capacity as the highest priorities for Greensboro.

The City Manager provided an in-depth review of the various stages and timeframe for implementation of water restrictions contained in the proposed ordinance which would be used by Greensboro to address current and future serious water shortages; i. e., adopting a comprehensive water conservation and restriction ordinance with teeth (civil and criminal penalties); suspending landscaping requirements under the Unified Development Ordinance until further notice; implementing a comprehensive educational/public relations campaign with including the installation of a Water Shortage Hotline Number; initiating several alternative emergency water supplies; and recommending that Council delay annexations involving new connections to the system for at least 30 days, including the three annexations being considered at this meeting.

The Manager emphasized that each stage of the water restrictions would be progressively more strict and advised that Stage II of the ordinance would become effective at 8:00 p.m. on November 4, 1998. He also made it

clear that these restrictions applied to all users connected to the Greensboro system: residential, industrial and commercial located both inside and outside the City limits. In response to Council inquiries, he reiterated that the provisions contained in the ordinance were legally applicable to Guilford County residents who were connected to Greensboro's system. City Manager Kitchen reviewed the process Greensboro would use, if necessary, to levy civil and criminal penalties and enforce the restrictions which could ultimately lead to discontinuance of service. (A copy of the Manager's presentation and other information presented to Council is filed in Exhibit Drawer M, Exhibit Number 8, which is hereby referred to and made a part of these minutes.)

Dennis Rhodes, residing at 1702 Kildare Woods Drive, manager of Sanford Turf Supply Company at 5223-C West Market Street; Paul Butler, residing at 207 Hillstone Drive, Jamestown, NC, an irrigation contractor; Morris Newlin, residing at 1402 New Garden Road, a member of the irrigation industry; Mark Peters, residing at 210 College Road, Carolina Nursery; and Chip Trotter, 2609 Battleground Avenue; advised that most of their business was conducted in Greensboro, stated they were aware of the critical water situation in Greensboro and expressed a strong interest in being included in efforts to provide a solution to the current situation and any future problems which might arise.

These representatives of the irrigation industry spoke in support of the efficient use of Greensboro's water and conservation efforts; they advised their unique positions enabled them to educate their customers on the proper use of irrigation systems and detailed measures which, in some instances, could be implemented by their companies to decrease water consumption by their customers.

Offering recommendations for future water conservation and alternatives to the proposed ban, the speakers expressed concern with respect to the following: the members of this industry had no prior notification that these water restrictions were forthcoming, the restrictions would have a severe negative impact on the irrigation industry, and these water restrictions would jeopardize all beautification efforts in Greensboro. They requested the Council to consider the long term water needs and beautification efforts for the City.

Orton Jones, residing at 8 St. Francis Court, provided details about the history of water resources and problems in Greensboro and the impact this had on the City's economic growth. He offered his thoughts regarding the lengthy Randleman Dam Project and what he believed to be Greensboro's attempts to lower standards for the project, requested Council to deal with the problem at hand and offered suggestions for amendments to the ordinance which would restrict water use by Greensboro citizens.

Responding to misinformation that might have been received by the public, the City Manager emphasized that the City Council had supported the long-term Randleman Dam project and emphasized that the standards for the project had not been lowered but were in excess of any other reservoirs built in North Carolina.

Council discussed at length with the Manager, staff and speakers their opinions and concerns with respect to the water crisis and the progressively restrictive stages of the Emergency Water Conservation and Restriction Plan contained in the proposed ordinance and the impact these restrictions would have on residents, businesses, industries, etc.

Varying opinions were expressed with regard to the fact that the watering of golf course greens was permitted while stringent restrictions were placed on residential and business uses; lengthy discussion was held regarding the sizable investment in the preparation/maintenance of golf course greens. After Councilmember Jones expressed concern that the proposed ordinance would allow the City Manager to implement water restrictions without the direct involvement of Council, the City Attorney explained that by adopting the proposed ordinance Council would put in place specific guidelines, including safeguards, that the City staff must follow to address future water emergency situations.

Council also discussed specific business operations which were generally covered by the ordinance; the need to revisit the pricing structure for Greensboro water; details regarding the timeframe and important decisions regarding the Randleman Dam project; past efforts to determine alternate water sources for the City; the need to educate the public with regard to water conservation; the source of funding for various City water conservation efforts by City staff; and the fact that this drought was created by weather conditions and increased water consumption, not Greensboro's growth pattern.

Alan Williams, Water Resources Department Director, provided statistical information which supported the fact that the dredging of City lakes to provide additional water capacity would not be cost effective. He also spoke to the varying amounts of water used by residents, irrigation businesses, manufacturing companies, etc.

Chief Claude Culbreth, Greensboro Fire Department, responded to questions from Council that outside burning in the City of Greensboro was prohibited with the exception of restricted burning at construction sites. He reviewed measures the Department had implemented to conserve water during the crisis.

The City Manager and Assistant City Manager William Harrell reviewed other measures implemented by various City departments to conserve water. The City Manager stated that additional discussion and questions with respect to the ordinance would be addressed at upcoming meetings and if necessary, appropriate amendments could be made if Council desired. The Manager spoke to the implementation of a Water Shortage Hotline Number, 373-7610, which would be implemented to field questions and receive reports of violations.

Some members of Council commended the Manager for the proposed ordinance, his factual presentation and for identifying interim solutions/water sources during the emergency period. Members of Council reiterated the need for Greensboro water users to use all water conservation methods available and to comply with the ordinance requirements.

Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-168 AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ENACTING A NEW CHAPTER 29A TO BE ENTITLED EMERGENCY WATER CONSERVATION AND RESTRICTION PLAN

WHEREAS, the City of Greensboro currently manages three (3) raw water reservoirs including Lakes Higgins, Brandt, and Townsend; and

WHEREAS, all three of the City's reservoirs are in the Reedy Fork drainage basin and drain a relatively small area relative to the City's water needs; and

WHEREAS, Lakes Brandt and Townsend are the primary sources of supply for Greensboro's two (2) water plants, Lake Higgins being a smaller reserve lake that is only to be used in emergencies and therefore shall not be used for drought evaluation; and

WHEREAS, the Safe Yield of the three reservoirs is currently 36.1 mgd and is inadequate to meet the uncontrolled demands of the City of Greensboro during periods of low rainfall, and

WHEREAS, lake levels of Lakes Brandt and Townsend must be carefully monitored and managed to insure that Greensboro water users have essential supplies of water in these reservoirs and to extend the availability and duration of water supplies for all users during critical water shortage periods; and

WHEREAS, the City operates two water treatment plants and a distribution system that at times may not be capable of meeting peak daily demands caused by excessive irrigation demands; and

WHEREAS, in light of the many benefits that can be derived by conserving water, all residents, businesses and institutions in the community should follow water conservation practices, regardless of the time of year or whether or not a water shortage exists; and

WHEREAS, a strategy for water conservation is essential to both immediate and long term planning and for the protection of public health, safety, and welfare in the event of water shortages.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That a new chapter following Chapter 29 of the Greensboro City Code of Ordinances is hereby adopted to read as follows:

Chapter 29A

EMERGENCY WATER CONSERVATION AND RESTRICTION PLAN

Sec. 29A-1. Declaration.

Whenever the water supply of the City of Greensboro's public water system is low and declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implementation of conservation requirements under the standards set forth below.

Sec. 29A-2. Definitions.

For the purpose of this Ordinance, the following terms, words, and phrases and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Greensboro.

(2) "Person" is any person, firm, partnership, association, corporation, company, limited liability company, professional association, or organization of any kind. The term "person" shall also include customers.

(3) "Water" is raw or treated water from the City public water supply system.

(4) "Customer" is a person in whose name a water connection is made and to whom a bill is issued.

Sec. 29A-3. General.

A water shortage shall be declared to exist when the reserve supply available to the City of Greensboro will have reached the point where the citizens cannot be supplied with water to protect their health and safety without curtailing substantially the water demand. A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect public safety and health without substantially curtailing water demand.

Sec. 29A-4 Notice to General Public of Water Shortage.

In the event of a water shortage of any of the four (4) degrees of severity hereinafter set forth in the City water supply threatening the health and safety of the citizens as determined by the Director of Water Resources, the City Manager of the City of Greensboro is authorized and empowered, after communication to the Mayor and City Council, to give notice to the general public of the existence of such state and the severity thereof. In order to protect the health and safety of the people supplied water by the City of Greensboro, he may place in effect the restrictive provisions hereinafter authorized. Notice shall be given by public press announcement and by signing an executive order. The order shall become effective immediately after twenty-four (24) hours following the press announcement and the signing of the order.

Sec. 29A-5 Compliance Required in the Event of a Water Shortage.

In the event the City Manager issues the notice described in section 29A-4, then and in that event it shall be unlawful for any person, firm, or corporation, to use or permit the use of water from the water system of the City of Greensboro for any of the purposes hereinafter set forth until such time as this article be amended or repealed, or until the City Manager has declared such provisions no longer in effect. In exercising this authority, considerations shall be given to the following criteria: water levels in the reservoirs, capabilities of the water production and distribution system, drawdown rates, outlook for precipitation, daily water use patterns, seasonal and long-term weather patterns, and availability of water from other sources.

Sec 29A-6 Restrictions Applicable to Various Levels of Lake Brandt and Lake Townsend.

The severity of the water shortage shall be determined primarily by the levels of Lakes Brandt and Townsend in light of levels expected at given times of the year and expected demands and potential rainfall. The restrictive measures in effect at each stage are as follows:

- (a) Stage I Water Conservation Alert. In the event water levels of Lakes Brandt and Townsend do not conform to seasonal expectations as determined by the Director of Water Resources or daily water demand is approaching 95% of system capacity as determined by the Director of Water Resources, a "Stage I Water Conservation Alert" may be declared in effect, and the following voluntary water restrictions are requested:
 - (1) Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:
 - a. Inspect and repair all faulty and defective parts of faucets and toilets.
 - b. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.
 - c. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
 - d. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
 - e. Limit lawn watering to that necessary for plant survival
 - f. Water shrubbery the minimum required, reusing household water when possible.
 - g. Limit vehicle washing.

- h. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
 - i. Install water flow restrictions in showerheads and other water saving devices.
 - j. Use disposable and biodegradable dishes where possible.
 - k. Install water saving devices in toilets such as early closing flapper valves.
 - l. Limit hours of water-cooled air conditioners.
 - m. Do not fill swimming or wading pools.
- (2) An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending water shortage.
 - (3) Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect operation of fixtures, equipment or public safety devices.
 - (4) Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures, and by installation of restricting devices.
 - (5) All residents, businesses, and institutions are requested to delay new landscape work until the water shortage has ended.
 - (6) Water conservation should be followed during all phases of construction related activities. Where appropriate, water needed should be obtained from supplemental sources and construction related activities which require water should be delayed until such time as the water emergency has ended.

(b) **Stage II Water Shortage Warning.** In the event levels in Lakes Brandt and Townsend continue to drop below seasonal expected levels as determined by the Director of Water Resources or daily water production approaches 100% of daily capacity of the water production and distribution system, a “Stage II Water Shortage Warning” may be declared in effect and the following mandatory water restrictions shall be imposed. It shall be unlawful to use water from the public water system supplied by the City of Greensboro for the following purposes:

- (1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand held hose, container, or drip irrigation system. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade and golf courses may water greens.
- (2) To fill newly constructed swimming pools and or wading pools or refill swimming and or wading pools which have been drained.
- (3) To operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
- (4) To wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment. Provided, however, that any person regularly engaged in the business of washing motor vehicles and any commercial car wash facility shall be permitted to use water for such purposes.
- (5) To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for similar purposes.
- (6) To operate or introduce water into any ornamental fountain, pool, or pond or other structure making similar use of water.
- (7) To serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.

- (8) To use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or Water Resources Department need.
- (9) To use water for dust control or compaction.
- (10) To use water for any unnecessary purpose or intentionally waste water.

The owner or occupant of any land or building which receives water from the City of Greensboro and also uses water from a well or other supply shall post a sign thereon furnished, at no cost, by the City of Greensboro Water Resources Department giving notice of the use of well or other sources of supply.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least 25%.

(c) Stage III Water Shortage Danger. In the event levels of Lake Brandt and Townsend continue to decrease in spite of restrictions as imposed above, a "Stage III Water Shortage Danger" may be declared to exist, and in addition to the restrictions heretofore imposed under Stage II, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

- (1) Water or sprinkle any lawn, grass, shrubbery, trees, or flowers. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade and golf courses may water greens. State, County, and City licensed landscape contractors may continue to water plantings which are under written warranty by hand-held hose, container or drip irrigation.
- (2) Water any vegetable garden except by hand held hose, container, or drip irrigation system.
- (3) Make any nonessential use of water for commercial or public use.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least 50%.

(d) Stage IV Water Shortage Emergency. In the event previous restrictions are not sufficient to reduce reductions in water supply reserves, a "Stage IV Water Emergency" may be declared to exist, and in addition to the restrictions heretofore imposed in Stage II and Stage III, the following stringent mandatory water restrictions shall be imposed. It shall be unlawful to:

- (1) To use water outside a structure for any use other than an emergency use involving fire or as needed by the water utility to maintain the water system.
- (2) To operate an evaporative air conditioning unit which recycles water except as may be required for health and safety.
- (3) Violate such other restrictions as may be deemed appropriate and adopted by the City Council.

Sec. 29A-7 Compliance.

Compliance with the provisions with this Chapter shall be enforced by personnel of the Water Resources Department, the Greensboro Police Department, and other such personnel as designated by the City Manager.

Failure to comply with any of the regulations of this Chapter shall be unlawful and a violation of the Ordinance and all remedies authorized by law for noncompliance with the Ordinance, including the issuance of a civil penalty citation or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance therewith or to use water in any manner or attempt to evade or avoid such water restrictions.

Sec. 29A-8 Enforcement and Civil Penalty.

Any person who shall violate any provision of this Chapter shall be subject to a civil penalty. Civil penalties shall be as follows: a warning for the first offense; the amount of \$50.00 for the second offense; and \$100.00 dollars for the third, and successive, offenses. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by posting a notice on the front door of the property being served, or by hand delivery, or by first class mail, to such person. A notice that is posted, or mailed, shall be conclusively presumed to be delivered to the violating person when posted on the premises or deposited in the United States Mail. The notice shall state the date and nature of the violation and the amount of the penalty. The notice shall further order the person to immediately cease the violating activity. If payment of the civil penalty is not received within fifteen (15) days from date of notice the penalty will be added to the customer's regular utility billing, if applicable. If the customer refuses payment a civil action may be instituted in the nature of a debt to collect the civil penalties and court costs as may be assessed.

Sec. 29A-9 Criminal Fines.

Upon a fourth violation of this Ordinance a criminal warrant shall be issued to the offending person. Any violations of the provisions of this Chapter shall constitute a Class 3 misdemeanor punishable upon conviction by a fine not exceeding a maximum of Five Hundred Dollars (\$500.00) as provided by General Statute Section 14-4 and in addition thereto such violation may be enjoined and restrained as provided in General Statute Section 160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.

Sec. 29A-10 Discontinuance of Service.

The Water Resources Director shall have the authority to discontinue, or restrict, water service to any person or structure in the event of a violation of the provisions of this Chapter during a Stage II, Stage III or Stage IV water shortage period. Prior to such termination, or restriction, of water supply, the Director shall give at least two (2) working days written notice of intent to terminate or restrict. Within the said two days, the person, upon petition to the City Manager, or his designee, may be heard as to why such termination should not be enforced. No notice, or violation, shall be required to discontinue, or turn off, outside water service which is provided solely for lawn and shrubbery sprinkler systems, swimming pools, or other non-essential uses. When a water service has been discontinued, or turned off, it shall be unlawful to reactivate such service without the permission of the Director of Water Resources during a Stage II, Stage III, or Stage IV water shortage period.

Sec. 29A-11 Continuing and Separate Violations.

Each day's continuing violation of this Chapter shall be a separate and distinct criminal and civil offense. Each violation of the Ordinance shall be a separate offense even if occurring on the same day.

Sec. 29A-12 Severance Provision.

If any section, subdivision, clause, or provision of this Chapter shall be judged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of this Chapter shall be declared valid and effective.

Sec. 29A-13 Application of Chapter.

The provisions of this Ordinance shall apply to all such persons using public water both in and outside the city, regardless of whether any person using water shall have a contract for water service with the City.

Sec. 29A-14 Termination of Declared Emergency.

Termination of any Phase of the emergency provisions of this Chapter shall be determined by the City Manager when he finds that the water supply of the City water system is no longer so low as to constitute a water emergency.

Upon termination of any emergency declared under this ordinance, all fines or penalties incurred by any person or customer shall remain in effect until paid. Upon such termination discontinued users may have their service restored upon payment of the regular cut-on fees except for those users cut off without notice.

Sec. 29A-15 Repeal of Prior Ordinances.

All Ordinances and clauses of Ordinances in conflict herewith are stayed while any Stage of this Ordinance is in effect. Such conflicting Ordinances and clauses shall become effective upon termination of such Stages.

Section 2. This Ordinance shall become effective immediately upon adoption.

(Signed) Claudette Burroughs-White

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The Mayor declared a recess at 8:07 p.m.

The meeting re-convened at 8:14 p.m. with all members of Council present.

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Mayor Allen explained the Council procedure for conduct of the meeting.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an Ordinance annexing 3.58 acres of territory to the corporate limits located on the west side of Battleground Avenue and the north side of Horsepen Creek Road. She thereupon introduced so that these matters could be discussed together, an Ordinance establishing Original Zoning classification from County Zoning Highway Business to City Zoning Highway Business for property located at the northwest quadrant of Battleground Avenue (U.S. 220 North) and Horse Pen Creek Road, and an Ordinance establishing Original Zoning classification from County Zoning Conditional use-Limited Office to City Zoning Limited Office for property located west of Battleground Avenue (U.S. 220 North) and north of Horse Pen Creek Road. The Mayor asked if anyone wished to be heard.

After Councilmember Perkins advised the applicant for these ordinances had requested, given the severity of the water situation in Greensboro, that these items be continued, he moved that the items be continued to the 1 December 1998 meeting of Council without further advertising. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an Ordinance annexing 12.607 acres of territory to the corporate limits located on the east side of Willow Road, north of Alamance Church Road. She thereupon introduced so that these matters could be discussed together an Ordinance establishing Original Zoning classification from County Zoning RM-8 Residential Multifamily to City Zoning RM-8 Residential Multifamily for property located on the east side of Willow Road between Rotherwood Road and Terre Court. The Mayor asked if anyone wished to be heard.

Councilmember Carmany moved that these items be continued to the December 1 Council meeting without further advertising. The motion was seconded by Councilmember Vaughan. This motion was withdrawn later in the meeting.

Bill Miller, attorney representing the developer, stated that this development company wished they were in a position to cooperate with Greensboro's water conservation efforts by having these items continued to the meeting in December; however, the unique circumstances involving the timeframe for acquiring this property in order to receive tax credits under the terms of the North Carolina Housing Authority were not flexible. He spoke to his extensive, unsuccessful efforts to determine a manner in which these items could be continued and still comply with the Authority's timeframe and guidelines. Mr. Miller reviewed the developer's success in providing affordable housing in various communities, spoke to the proposed \$5 million project that would be developed on the property, stated that this property was contiguous to the City of Greensboro and a water line was currently available on Willow Road, and advised the earliest date to have water supplied to this property would be after February, 1999.

Council discussed with C. Thomas Martin, Planning Department Director, the City's process used to provide water to City and Guilford County residents; they discussed the fact that any request for water extensions into the County approved by the Guilford County Board of Commissioners would ultimately be decided by the City Council. In response to Council inquiries, Mr. Martin advised that this property was contiguous to the City limits, that City water was available on Willow Road and that the property met the City's test for annexation.

Council discussed with City staff and Mr. Miller various opinions and concerns with respect to the approval of this annexation and zoning; i.e., the fact that if action were not taken at this time, the developer would incur immediate financial harm; the difficulty of some members of Council to justify the support of these items during the water crisis in Greensboro; the rare opportunity which existed for a developer to receive tax credits to be used to provide affordable housing in Greensboro; the financial requirements imposed on the developer in order to qualify for tax incentives; the City's future water situation and its position with regard to applications for annexation; whether an official letter from the City to the developer citing the existing conditions would provide sufficient information to obtain a delay from that regulatory body; the difficulty the developer would incur when attempting to receive tax credits if the Council could not assure water would be available; etc.

The City Attorney advised that in the event the Council believed Mr. Miller had made a case for special circumstances; i.e., investment hardship for the developer, the annexation and zoning could be approved at this meeting. The City Manager and City Attorney cautioned that the City could not guarantee water would be available in the future for this and other new developments because future action by the Council could implement a moratorium on connections to the system. The City Manager also emphasized that this annexation/zoning request

represented the most unique circumstances, specifically the lack of flexibility with respect to the timeframe for approval created by another regulatory body.

Councilmember Perkins suggested the City might wish to consider not accepting applications for annexation until the water situation in Greensboro had been resolved. He questioned the “business as usual” approach to the processing of these applications and emphasized that area developers were now fully aware that Greensboro could not guarantee a water supply for additional capacity.

Councilmember Carmany withdrew her motion to continue the ordinances to the 1 December 1998 meeting of Council.

Councilmember Johnson moved adoption of the Ordinance annexing 12.607 acres of territory to the corporate limits located on the east side of Willow Road, north of Alamance Church Road. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Johnson, Jones, Perkins and Vaughan. Noes: Carmany, Holliday and Mincello.

98-169 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST SIDE OF WILLOW ROAD, NORTH OF ALAMANCE CHURCH ROAD – 12.607 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point located on the east right-of way line of Willow Road, said point also being the southwest corner of the Neeses Country Sausage, Inc. property (D.B. 3215, Pg. 446); thence running S 85° 44’ 00” E, for a distance of 1423.55 feet; thence S 27° 33’ 22” W, 434.42 feet; thence N 85° 44’ 00” W, 1279.70 feet to a point on the eastern right-of-way line of Willow Road; thence continuing N 85° 44’ 00” W, approximately 30 feet to a point on the centerline of Willow Road, said centerline also being the city limit line; thence running along the city limit line and the centerline of Willow Road in a northward direction for a distance of approximately 400 feet; thence running S 85° 44’ 00” E for a distance of 30 feet to the point of BEGINNING, containing 12.337 acres of property and 0.27 acre of street right-of way for a total area of 12.607 acres, based on a map prepared by Dewberry and Davis dated August 24, 1998.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner’s expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 1999, the liability for municipal taxes for the 1998-99 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, September 30, 1999. Municipal ad valorem taxes for

the 1999-2000 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 1999.

(Signed) Yvonne J. Johnson

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Councilmember Perkins moved adoption of the ordinance establishing Original Zoning classification from County Zoning RM-8 Residential Multifamily to City Zoning RM-8 Residential Multifamily for property located on the east side of Willow Road between Rotherwood Road and Terre Court. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Johnson, Jones, Perkins and Vaughan. Noes: Holliday and Mincello.

98-170 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF WILLOW ROAD BETWEEN ROTHERWOOD ROAD AND TERRE COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RM-8 Residential Multifamily to City Zoning RM-8 Residential Multifamily uses for the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Willow Road, said point being the southwest corner of Neese Country Sausage, Inc. as recorded in Deed Book 3215, Page 446 in the Office of the Guilford County Register of Deeds; thence along the line of Neese Country Sausage, Inc. S85°44'00"E 1423.55 feet to a point; thence S27°33'22"W 434.42 feet to a point; thence N85°44'00"W 1279.70 feet to a point, said point being in the eastern right-of-way line of Willow Road; thence along said eastern right-of-way line the following courses and distances: N15°52'07"E 10.05 feet, N12°02'56"E 85.21 feet, N08°43'18"E 100.87 feet, N06°18'57"E 104.18 feet, and N05°51'40"E 100.12 feet to the point of BEGINNING, containing approximately 12.337 acres as shown on "Plat of Survey Showing Proposed Annexation Line for Annie Mae Pemberton Property" prepared by Dewberry & Davis, dated August 24, 1998.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Robert V. Perkins

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The Mayor stated that this was the time and place set for a public hearing to consider an Ordinance annexing 21.715 acres of territory to the corporate limits located on the west side of Riverdale Road and the south side of Walser Road. She thereupon introduced so that these matters could be discussed together an Ordinance establishing Original Zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the west side of Riverdale Road south of Walser Drive and east of the terminus of Mount Olive Drive.

Councilmember Johnson moved that the annexation and zoning be continued to the 1 December 1998 meeting of Council, without further advertising. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

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Mayor Allen stated that this was the time and place set for a public hearing to consider a Resolution closing Meadowview Court, a residual portion of right-of-way located on the west side of its intersection with West Meadowview Road. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

219-98 RESOLUTION CLOSING MEADOWVIEW COURT, A RESIDUAL PORTION OF RIGHT-OF-WAY LOCATED ON THE WEST SIDE OF ITS INTERSECTION WITH WEST MEADOWVIEW ROAD

WHEREAS, the owner of all of the property abutting both sides of Meadowview Court, a residual portion of right-of-way located on the west side of its intersection with West Meadowview Road has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, November 3, 1998, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.
2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
3. That the following portion of street is hereby permanently closed and abandoned as a public street:

MEADOWVIEW COURT – A RESIDUAL PORTION OF RIGHT-OF-WAY LOCATED ON THE WEST SIDE OF ITS INTERSECTION WITH WEST MEADOWVIEW ROAD

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider a Resolution closing North Chimney Rock Road, the westernmost and easternmost 20 feet of right-of-way, so as to reduce the right-of-way from 100 feet to 60 feet, near its intersection with Sherwin Road. Mayor Allen asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

220-98 RESOLUTION CLOSING NORTH CHIMNEY ROCK ROAD, THE WESTERNMOST AND EASTERNMOST 20 FEET OF RIGHT-OF-WAY, SO AS TO REDUCE THE RIGHT-OF-WAY FROM 100 FEET TO 60 FEET, NEAR ITS INTERSECTION WITH SHERWIN ROAD

WHEREAS, the owners of all of the property abutting both sides of North Chimney Rock Road, the westernmost and easternmost 20 feet of right-of-way, so as to reduce the right-of-way from 100 feet to 60 feet, near its intersection with Sherwin Road have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, November 3, 1998, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.
2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
3. That the following portion of street is hereby permanently closed and abandoned as a public street:

NORTH CHIMNEY ROCK ROAD, THE WESTERNMOST AND EASTERNMOST 20 FEET OF RIGHT-OF-WAY, SO AS TO REDUCE THE RIGHT-OF-WAY FROM 100 FEET TO 60 FEET, NEAR ITS INTERSECTION WITH SHERWIN ROAD

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Sandy Carmany

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Mayor Allen stated that this was the time and place set for a public hearing to consider a Resolution confirming on the basis of public necessity assessment roll for widening, curb and gutter improvements on Waugh Street from East Bessemer Avenue to Wendover Avenue. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

W-218 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

WAUGH STREET FROM EAST BESSEMER AVENUE TO WENDOVER AVENUE

WHEREAS, on the 7th day of May, 1990, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Roadway Improvements. That the street or streets hereinabove named within the limits defined be widened on both sides with stone base asphaltic concrete surface, the widening to include grading, construction of storm sewers and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the improvements.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

WAUGH STREET
E. Bessemer Ave. to E. Wendover Ave.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 3rd day of November, 1998, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments

contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.

6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Claudette Burroughs-White

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Moving to the Consent Agenda, Mayor Allen introduced the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance changing the street name of Lark's Head Circle- from Sunfish Point, northward to its end-to Tallowood Court.
- Ordinance amending equipment services fund budget, in the amount of \$270,000 to assign costs of new additions to City's fleet.

Councilmember Mincello noted the spelling of the street to be renamed was Tallowood instead of Tallwood. Mayor Allen also noted Item # 22 had been changed to read "motion to approve minutes of regular meeting of October 6, 1998, and to make a part of the minutes report of Budget Adjustments covering period 6 August to 20 October 1998. The Mayor thereupon requested a motion to approve the ordinances, resolutions and motions listed on the Consent Agenda. Councilmember Jones moved adoption of the Consent Agenda. The motion was seconded by Councilmember Vaughan; the Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-171 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name assignment is hereby authorized to become effective immediately:

<u>PRESENT NAME</u>	<u>PORTION</u>	<u>NEW NAME</u>
Lark's Head Circle	From Sunfish Point northward to its end	Tallowood Court

(Signed) Earl Jones

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98-172 ORDINANCE AMENDING EQUIPMENT SERVICES FUND BUDGET TO ASSIGN COSTS OF NEW ADDITIONS TO CITY'S FLEET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the Equipment Services Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
680-6505-18.6051	Licensed Vehicles	\$270,000

and, that this increase be financed by increasing the following Equipment Services account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
680-0000-00.9101	Transfer from General Fund	\$199,000
680-0000-00.9501	Transfer from Water Res Fund	71,000
Total		\$270,000

(Signed) Earl Jones

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221-98 RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH NORTH CAROLINA RAILROAD COMPANY AND NORFOLK SOUTHERN RAILWAY COMPANY PERMITTING THE CITY TO ENCROACH ON NORTH CAROLINA RAILROAD COMPANY RIGHT-OF-WAY IN CONNECTION WITH THE A WATER MAIN PROJECT IN THE US 70 AND FOUR-MILE LOOP ROAD VICINITY

WHEREAS, the City proposes to install a 16-inch water main in the US 70 and Four-Mile Loop Road vicinity which requires boring under existing railroad track;

WHEREAS, the property on which the said railroad track is located is owned by North Carolina Railroad Company and leased to Norfolk Southern Railway Company;

WHEREAS, in consideration of granting an encroachment easement to the City, the City agrees to a non-refundable preparation fee of \$200.00 payable to Norfolk Southern Railway Company and a one-time encroachment fee of \$2,400.00 payable to North Carolina Railroad Company;

WHEREAS, North Carolina Railroad Company and Norfolk Southern Railway Company have agreed to permit the City to encroach on its right-of-way under the terms and conditions set out in agreements this day presented to City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro the above agreements permitting the City to encroach on the above mentioned right-of-way, payment to be made from Account No. 504-7027-01.5413.

(Signed) Earl Jones

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222-98 RESOLUTION AMENDING PARTICIPTION AGREEMENT WITH UNC-G FOR THE SPRING GARDEN STREET IMPROVEMENTS PROJECT WITH RESPECT TO THE ADDITION OF UPGRADES TO THE EXISTING STORM SEWER SYSTEM

WHEREAS, on August 21, 1995, the City Council authorized entering into a Participation Agreement with the University of North Carolina at Greensboro for improvements to Spring Garden Street;

WHEREAS, prior to the subsequent agreement it was determined the storm sewer system lines were structurally unstable;

WHEREAS, it has been determined that replacement of these lines with reinforced concrete piped during the reconstruction of the Spring Garden Street improvements resulted in cost saving and reduced construction inconvenience for motorists and in years of lower maintenance responsibilities for the City;

WHEREAS, it is deemed in the best interest of the City to incorporate these amendments into the existing participation agreement for the replacement of the storm sewer system in the amount of \$27,878.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Manager and City Clerk are hereby authorized to amend and execute on behalf of the City of Greensboro the Participation Agreement with UNC-G to include the replacement of storm sewer system lines in the amount of \$27,878.00, payment to be made from Account No. 203-6503-02.5427.

(Signed) Earl Jones

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223-98 RESOLUTION APPROVING BIDS AND AUTHORIZING EXECUTION OF CONTRACT NO. 1997-01 FOR CONSTRUCTION OF THE KENNETH ROAD LIFT STATION REPLACEMENT

WHEREAS, after due notice, bids have been received for the construction of the Kenneth Road Lift Station Replacement Project;

WHEREAS, Jimmy R. Lynch & Sons, Inc., a responsible bidder, has submitted the low bid for the general construction in the amount of \$1,056,288.00, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

WHEREAS, Electrical Construction, Inc., a responsible bidder, has submitted the bid for the electrical construction in the amount of \$325,800.00, which bid, in the opinion of the City Council is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That all of the bids hereinabove mentioned submitted by the responsible bidders are hereby accepted and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry each of the proposals into effect, payment to be made from Account No. 508-7044-02.6019, CBR .002.

(Signed) Earl Jones

(A tabulation of bids for the construction of the Kenneth Road Lift Station replacement is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Motion to approve the minutes of the regular meeting of 6 October 1998, and make a part of the minutes report of Budget Adjustments covering period 6 August to 20 October 1998 was unanimously adopted by the Council. (A copy of the budget adjustments is filed in Exhibit Drawer M, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Mayor Allen introduced a Resolution adopting boundaries to be included in the State Development Zone and authorizing the filing of an application with the Department of Commerce.

Mr. Martin distributed a map to illustrate the requested designation of a State Development Zone; he stated this area met the minimum criteria specified in the William S. Lee Act to provide incentives for economic development in pockets of poverty in the state. Reviewing the criteria for eligibility for this designation, Mr. Martin requested Council to continue this item to the November 17 meeting to enable Council to review the map and advise staff of any requests for change. Councilmember Carmany moved that the resolution be continued to the regular Council meeting on 17 November 1998; the motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote.

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Mayor Allen introduced a Resolution authorizing mutual inter-local cooperation agreement with the Winston-Salem/Forsyth County Utility Commission for water supply during emergency conditions.

After the Manager advised action this would authorize him to enter into an agreement to extend Greensboro's public water line to the line owned by the Commission, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Holliday; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

224-98 RESOLUTION AUTHORIZING MUTUAL INTER-LOCAL COOPERATION AGREEMENT WITH THE WINSTON-SALEM/ FORSYTH COUNTY UTILITY COMMISSION FOR WATER SUPPLY DURING EMERGENCY CONDITIONS

WHEREAS, the City of Greensboro and the Winston-Salem/Forsyth County Utility Commission each own and operate a water supply system;

WHEREAS, the City of Greensboro is currently undergoing drought conditions and its water reservoirs are well below their safe yield limits;

WHEREAS, at one location on State Highway 421 near Triad Park the two public water systems are within approximately 7,000 linear feet of each other;

WHEREAS, it is estimated that the cost to the City of Greensboro is approximately \$325,000 to extend its public water line to that owned by the Commission and the Commission has agreed to allow a connection and to provide treated water to the City;

WHEREAS, it is deemed in the best interest of the City to enter into a utility Agreement with the Commission to acquire water for its customers all in accordance with the terms and conditions therein and such Agreement is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a mutual Agreement with the Winston-Salem/ Forsyth County Utility Commission to furnish water to the City of Greensboro for a period of five (5) years with an option for an additional five (5) year period, is hereby approved pursuant to the authority of N.C.G.S. §160A-274 and the City Manager is hereby authorized to execute said agreement on behalf of the City.

(Signed) Yvonne J. Johnson

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Speaking to the City's current policy of requiring one water meter for a large apartment complex, Councilmember Perkins advised of a Greensboro developer's suggestion that appropriate City staff study the feasibility of providing an incentive for developers to install/have installed electric metering of individual units to encourage water conservation. He spoke in support of this suggestion and advised the incentive was requested to offset the additional cost to install this type of metering.

Councilmember Perkins suggested that Council consider a motion to request the Manager not to accept additional applications for annexation until December 1, 1998 after Council had conducted additional discussion regarding Greensboro's water situation. He expressed concern that given the current policy and water situation, the City could be inundated with annexation requests.

Council discussed with the Manager and City Attorney the negative impact this action could have on Greensboro's requirement for Guilford County applicants requesting water and sewer service to sign an agreement to be annexed into the City at a future date. The City Attorney suggested Council might wish to consider not changing the City's policy of accepting the annexation petitions but instead direct the appropriate staff to suspend their department's processing of the applications until a time specified by Council. The Manager and Council discussed the fact that additional questions/concerns with respect to the water situation would need to be addressed/reviewed, the desire to communicate to developers the critical water situation in Greensboro and the direct impact the situation would have on any requests for annexation, rezoning, etc. that would add additional strain to the water system.

After additional discussion, Councilmember Perkins moved that the Planning Department staff be directed to suspend the processing of annexation petitions until 1 December 1998. The motion was seconded by Councilmember Mincello and adopted unanimously by voice vote of the Council.

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Councilmember Burroughs-White moved that Robert A. Lauver be appointed to serve a three-year term on the Historic Preservation Commission as the representative for the Charles B. Aycock Historic District; this term will expire 15 August 2001. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council. She expressed appreciation to Charles Newell for his long and dedicated service on this Commission.

Councilmember Burroughs-White expressed appreciation for the excellent activities which had been held in celebration of the grand opening of the Central Library on Church Street.

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Councilmember Carmany expressed appreciation to all participants and supporters of the "Kids Voting" project.

Councilmember Carmany advised of ongoing problems created by patrons of the Coliseum for surrounding neighborhood residents. She cited recent illegal parking activities which had created a hardship for area residents and for which the Police Department had not issued tickets to offenders. Councilmember Carmany spoke to conversations with the Police Chief regarding the need to develop a policy to ensure that parking violators would be ticketed and/or towed, including patrons who illegal park on private residential property. Speaking to the Council's desire to protect this and other neighborhoods from this type of intrusion, she expressed her opinion that the City should be a good neighbor and better enforce parking regulations in this area.

Police Chief Robert White spoke to his department's plans to aggressively enforce parking regulations in the Coliseum area. He also advised of a planned meeting with towing businesses to discuss ways to strengthen the existing process to enable these companies to tow any parking violators when appropriate.

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Councilmember Holliday added the name of James Slaughter to the boards and commissions data bank for possible future service on the Library Board and the name of Kevin Burroughs to the data bank for possible service in no specific area.

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Councilmember Johnson moved that David J. Pratto be appointed to serve a three-year term on the Community Television Board; this term will expire 1 July 2001. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

Speaking to the Greensboro Sports Commission's ten years of success, Councilmember Johnson noted the significant accomplishments this Commission had experienced on a limited budget; she expressed her pride at being associated with the Commission. Councilmember Johnson spoke to the positive impact on the Greensboro community generated by the Commission's events; i.e., economic impact, positive nationwide exposure during high profile events, etc.

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Mayor Allen expressed appreciation for the exciting Library dedication and related activities. She thanked the Rotarians for the Planet Earth Project and its recognition of Arnold Schiffman with the planting of the Club's

one millionth tree. The Mayor also spoke to the area in which the Cultural Center, the Greensboro Historical Museum and the Library were located which would bring additional people to the center city.

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The Manager extended to the Mayor best wishes for a Happy Birthday.

The Manager distributed to Council a notebook and agenda for the Planning Conference scheduled for Thursday, November 5, 1998. Because of the material to be discussed at the meeting, he requested Council to extend the ending time of the meeting to 4:30 or 5:00 p.m. After brief discussion, it appeared to be the consensus of Council that the meeting location would be changed from the Plaza Level Conference Room of the Melvin Municipal Office Building to the conference room at the new Library facility.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 9:37 P.M.

JUANITA F. COOPER
CITY CLERK

CAROLYN S. ALLEN
MAYOR
